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January 18, 2023

By ECF

The Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Guardado*, 21 Cr. 155

Dear Judge Koeltl:

On behalf of Erik Guardado and with the consent of the government, I write to respectfully request an adjournment of the February 2 sentencing hearing to allow Mr. Guardado more time to hire and consult with an immigration lawyer.

Mr. Guardado, a native Honduran, entered the United States at the age of seven. Even though he is a DACA recipient and has only faint memories of Honduras, he will be removed to Honduras after sentencing if he is taken into ICE custody. Mr. Guardado is currently at liberty subject to Pretrial Services' supervision. He has no detainer against him, but he hopes to exhaust every opportunity to remain in this country legally.

In addition, whatever time Mr. Guardado is likely to spend in ICE detention is relevant at sentencing. 18 U.S.C. § 3661 ("No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.").

Mr. Guardado has interviewed two immigration lawyers and is still in discussions with at least one of them. Accordingly, Mr. Guardado is asking to adjourn the sentencing hearing to mid-March, during which time he intends to consult with an immigration lawyer. This is the first request for an adjournment. I have consulted with AUSA Rushmi Bhaskaran who does not object to this request. Thank you for your considerate attention to this matter.

Respectfully submitted,

Ezra Spilke

cc: AUSA Rushmi Bhaskaran by ECF

ADJOURNED TO FRIDAY,  
APRIL 6, 2023, AT 11:00AM.  
SO ORDERED.  
J. G. Koeltl  
1/19/23